



NATIONAL AUTOMOBILE DEALERS ASSOCIATION  
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Legal & Regulatory Group

December 10, 2001

## VIA ELECTRONIC MAIL

Docket Management, Room PL-401  
National Highway Traffic Safety Administration (NHTSA)  
400 Seventh Street, SW  
Washington, DC 20590

Re: Reporting of Information About Foreign Safety Recalls and Campaigns  
Related to Potential Defects; 49 CFR Part 579; Docket No. NHTSA  
2001-10773; Notice 1

Ladies and Gentlemen:

The National Automobile Dealers Association (NADA) represents 20,000 franchised automobile and truck dealers who sell new and used motor vehicles and engage in service, repair and parts sales. Together they employ in excess of 1,000,000 people nationwide, yet more than 60% are small businesses as defined by the Small Business Administration.

Earlier this Fall, NHTSA proposed to implement the foreign safety recall/campaign reporting mandates set out in the Transportation Recall Enhancement, Accountability, and Documentation Act. 66 Fed. Reg. 51907, *et seq.* (October 11, 2001); Pub. L. No. 106-414, §3(a) (2000). In response, NADA offers the following comments and suggestions.

### I. Who Must Report?

The proposal's preamble suggests that manufacturers *or* importers may report, yet the rule itself appears to refer only to manufacturers. See, proposed 49 CFR §579.3 v. §573.3(b). Moreover, registered importers subject to Part 573 and Part 577 defect and noncompliance reporting and notification requirements also should be subject to the Part 579 reporting requirements. Lastly, "importers" should be added to the Section 579.6 list of entities receiving notices, and Section 579.3 should include language similar to that in 49 CFR §577.3 indicating that *manufacturers* include all "stage" manufacturers.

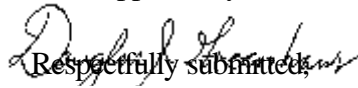
### II. Identical and Substantially Similar Vehicles and Equipment

Section §579.12 needs a few clarifying modifications. As written, vehicles certified to Canadian standards that are sold into the U.S. (and/or elsewhere) are *substantially similar*. On the other hand, it would be inappropriate to include all vehicles simply "sold" in Canada since, for example, a grey market vehicle sold in Canada may not necessarily have a U.S. counterpart. In addition, vehicles manufactured in the U.S. need not necessarily have U.S. counterparts if and when they are

manufactured solely for export.

Docket Management, Room PL-401  
National Highway Traffic Safety Administration (NHTSA)  
December 10, 2001  
Page 2

On behalf of NADA, I thank NHTSA for the opportunity to comment on this matter.

  
Respectfully submitted,

Douglas I. Greenhaus  
Director, Environment, Health and Safety